

REMARKS/ARGUMENTS

Claims 1, 4, 6, 7, 9-19 and 21-27 stand finally rejected. Claims 8 and 20 have been found to contain allowable subject matter but are objected to since they depend from rejected claims. In the present Amendment, claims 1, 12, 13 and 20 have been amended and claim 8 has been canceled. In addition, new dependent claims 28-30 have been added. It is respectfully submitted that the amendments to claims 1, 12, 13 and 20 and the addition of new dependent claims 28-30 introduce no new matter into the present application and should not require any further search or consideration by the Examiner. Accordingly, entry of these amendments and new claims is proper and is earnestly solicited.

In the outstanding office action, the following rejections were made:

- (1) claims 1, 4, 10, 11, 16, 17 and 23 were rejected under 35 U.S.C. 102(b) as being anticipated by Talley (US 5,027,747);
- (2) claims 1, 9, 10, 21 and 22 were rejected under 35 U.S.C. 102(b) as being anticipated by Crawford (US 987,433); and
- (3) claims 6, 7, 12-15, 18, 19 and 24-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Talley (US 5,027,747).

As mentioned above, claims 8 and 20 were found to contain allowable subject matter but were objected to as being dependent upon a rejected base claim.

The rejections under 35 U.S.C. 102(b) over Talley and Crawford are respectfully traversed. Neither of these two references discloses each and every element of the rejected claims. However, in order to expedite the prosecution of the present patent application, applicants have included the subject matter of claim 8 into claim 1 and have rewritten claim 20 into independent form, including all of the limitations of claims 1 and 8. In view of these amendments, it is respectfully submitted that the rejections under 35 U.S.C. 102(b) and the objections to claims 1 and 8 have been rendered moot. Accordingly, withdrawal of these

rejections and objections and the allowance of claims 1, 4, 8, 9, 10, 11, 16, 17, 20, 21, 22 and 23 is respectfully requested.

The rejection of claims 6, 7, 12-15, 18, 19 and 24-27 under 35 U.S.C. 103(a) over Talley is also respectfully traversed. Initially, it is respectfully submitted that the amendments to the claims have rendered at least claims 6, 7, 15, 18, 19 and 27, all of which are ultimately dependent upon claim 1, in allowable form. Accordingly, it is respectfully requested that the rejection of these claims under section 103(a) be withdrawn and the claims allowed. With respect to the remaining claims (i.e., claim 12 and those claims dependent thereon), applicants disagree with the Examiner's assessment of what Talley teaches. Applicants also disagree that a person of skill in this art, provided with the teachings of Talley, would find any motivation to modify the apparatus of Talley in the manner necessary to obtain the invention of the rejected claims. However, after reviewing the Examiner's comments concerning the applicators of Talley (i.e., that each wick of Talley defines an applicator), applicants decided that claims 12 and 13 needed to be amended to make it clear that the multiple applicators that were recited in these claims were separate and distinct from each other and not single units with multiple strands or wicks. Support for the amendments to claims 12 and 13 can be found in many places throughout the specification, for example in figures 1 and 2 and paragraphs 0019 and 0020 of the published version of the present application (US 2004/0244717). With these amendments to claims 12 and 13, it is respectfully submitted that claim 12 and the claims dependent thereon define an invention that is not disclosed or suggested in any of the cited references, including Talley.

It is respectfully submitted that the teachings of the Talley patent are limited to a single application device which comprises a plurality of wicks that are all held by a single support member. In essence, this is only one "applicator" as that term is used in claims 12 and 13. However, to make sure that it is clearly understood that the multiple applicators recited in claims 12 and 13 are separate and distinct from one another, applicants have amended claims 12 and 13

to specify the locations of at least two of the applicators (in claim 12) and three of the applicators (in claim 13). In each of claims 12 and 13, there is at least one applicator in the passageway and one applicator that is in the inner chamber and not in the passageway. Accordingly, since it is now very clear that at least two of the applicators are located in different portions of the enclosure, it cannot be argued that the single applicator with multiple strands that is disclosed in Talley is similar or comparable to the multiple applicators of claim 12 and the claims dependent thereon.

Applicants wish to stress that the Talley patent expressly teaches that it is preferable to apply the chemicals to the animal as the animal exits the structure (column 2, lines 45-50). To accomplish this result, Talley teaches that the applicator should be mounted in the pathway in association with a shield so that the chemical on the flexible wicks is only applied to the animal when it exits the structure (see column 2, line 64 to column 3, line 49). This achieves the important and preferred result of preventing the spread of the chemical on the inside of the structure (see column 3, lines 43-47). Thus, Talley clearly teaches that the applicator should be located at an exit to a structure and should only apply the chemical to the animal as the animal exits the structure in order to avoid spreading the chemical on the inside of the structure. To place the applicator inside the structure with no shield to prevent the spread of the chemical inside the structure would be contrary to the teachings and purpose of the device described in the Talley patent. Further, to place a second or third applicator inside the structure at locations that are not exits to the structure would defeat the purpose of the device described in the Talley patent, since there would be no way to prevent the spread of the chemical from these additional “interior” applicators to the rest of the structure. Accordingly, it is respectfully submitted that a person of skill in the art would not find any motivation from the teachings of the Talley patent to modify the device of that patent to include multiple applicators, where at least one of the applicators is located in the interior of the structure.

In addition to the above, it is respectfully submitted that the Talley patent contains no teaching at all concerning the interior of the structure. The only disclosure concerning the structure itself relates to the structure to which the application device is mounted and the only specific disclosure concerning that structure is that it can be the doorway to a house or a doghouse. Thus, there is no teaching at all that the structure of the Talley patent has an inner wall that has an opening or that the structure has an inner chamber that is at least partially defined by said inner wall and which is accessed by the opening in the inner wall. Moreover, there is also no disclosure in Talley of a passageway leading from the at least one peripheral opening to an opening in the inner wall. How could there be when there is no disclosure of an inner wall? It should be noted here that the inner wall that is recited in claim 12 cannot be the inner surface of the wall through which the at least one peripheral opening passes. This is clear from the requirements for the inner chamber and the passageway that are also recited in claim 12. Thus, it is respectfully submitted that the Talley patent does not teach or suggest the various structural elements of the interior of the apparatus claimed in claim 12 and the claims dependent thereon.

In view of the foregoing, it is respectfully submitted that claim 12 and the claims dependent thereon (i.e., claims 12-14, 24-26 and 29) are not obvious in view of the Talley patent. Accordingly, it is respectfully submitted that the rejection of these claims under 35 U.S.C. 103(a) should be withdrawn and these claims should be allowed.

Reconsideration of the present application and a favorable action concerning claims 1, 4, 6, 7 and 9-30 is respectfully requested.

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Respectfully submitted,

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